

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

MICHAEL RENZ, et al.,
Plaintiffs,

Case No. 3:20-cv-1948
Toledo, Ohio

vs.

WEDNESDAY, SEPTEMBER 9, 2020

STATE OF OHIO, et al.,
Defendants.

TRANSCRIPT OF PHONE STATUS PROCEEDINGS
BEFORE THE HONORABLE JAMES G. CARR
UNITED STATES SENIOR DISTRICT JUDGE

APPEARANCES:

For Plaintiffs:

THOMAS B. RENZ, Esquire
ROBERT J. GARGASZ, Esquire

For Defendants:

MARION H. LITTLE, JR., Esquire

Official Court Reporter: Stacey L. Kiprotich, RMR, CRR
United States District Court
1716 Spielbusch Avenue, Suite 120
Toledo, Ohio 43604
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Proceedings recorded by mechanical stenography, transcript
produced by computer-aided transcription.

1 **Wednesday, September 9, 2020**

2 - - -

3 (Proceedings commenced at 8:29 a.m.)

4 - - -

08:30:51 5 JUDICIAL ASSISTANT: Good morning, Counsel.
6 This is Elizabeth from Judge Carr's chambers. Before I
7 connect you to Judge Carr, I want to take a short roll call.
8 Is Mr. Gargas on the line?

9 MR. GARGASZ: Yes, ma'am.

08:31:02 10 JUDICIAL ASSISTANT: Thank you. I hope I
11 didn't mispronounce your name.

12 MR. GARGASZ: That's good.

13 JUDICIAL ASSISTANT: Mr. Renz.

14 MR. RENZ: Yes, ma'am.

08:31:10 15 JUDICIAL ASSISTANT: Mr. Little.

16 MR. LITTLE: Yes, I'm here. Thank you.

17 JUDICIAL ASSISTANT: And, Stacey, are you on
18 the line?

19 THE COURT REPORTER: Good morning.

08:31:23 20 JUDICIAL ASSISTANT: Good morning, Stacey.
21 Counsel, Stacey is our court reporter. So this is a
22 reminder, because we're not in the courtroom, we need
23 everyone to identify themselves before they speak.

24 Please stand by for Judge Carr. One moment.

08:33:46 25 Counsel, I now have Judge Carr on the line. Please

1 identify yourselves and your clients for Judge Carr,
2 beginning with the plaintiff.

3 MR. RENZ: My name is Thomas Renz. The
4 plaintiffs are Renz, et al. We've got a list of them, if
08:34:03 5 you would like me to give them.

6 THE COURT: Oh, that's quite all right.

7 MR. RENZ: Okay.

8 MR. GARGASZ: Attorney Robert J. Gargas for
9 the plaintiffs, co-counsel.

08:34:13 10 THE COURT: Okay.

11 MR. LITTLE: May it please the Court, Marion
12 Little on behalf of the State of Ohio.

13 THE COURT: Okay. And anyone else with you?

14 MR. LITTLE: No, Your Honor.

08:34:24 15 THE COURT: Okeydoke.

16 I read the complaint and have reviewed some of the
17 affidavit.

18 First, I would like to make a suggestion to
19 plaintiffs' counsel. If I understand correctly, the one
08:34:45 20 document you have, it is posed as a complaint and your
21 motion for injunctive relief; is that correct?

22 MR. RENZ: Yes, Your Honor.

23 THE COURT: Well, candidly, it's a bit
24 unorthodox, and I really would like you to separate the two.
08:35:03 25 It certainly would make it much easier for me, both in terms

1 of dealing with any responsive pleading directly to the
2 complaint -- I have no idea, of course, if there will be
3 any -- as well as the motion for injunctive relief. And so
4 what I would like you to do is simply either, you know -- I
08:35:30 5 can give you leave to file a supplemental pleading or a
6 revised complaint and motion for injunctive relief. And,
7 you know, I'm not suggesting that your complaint be
8 dismissed or anything, or the current pleading, but it's
9 really kind of tangled together.

08:35:54 10 MR. RENZ: Yes.

11 THE COURT: If you could untangle it, separate
12 the threads, and then we can go from there. Okay?

13 MR. RENZ: Yes, Your Honor.

14 THE COURT: Okay. And another thing, just
08:36:10 15 sort of heads up for all of you, I have a vision impairment,
16 a retinal deterioration, it is a form of macular
17 degeneration. And reading is -- I can do it, but actually
18 I, for some time now, have been doing most of my, quote,
19 "reading" by audio. I can actually listen more quickly than
08:36:33 20 I could read where, if I did not have the impairment, I
21 could comprehend deeply well and so forth.

22 But I would ask that all parties, and this is going to
23 be sort of just a standard sort of request, please be as
24 concise as you could. I don't want you to shortchange your
08:36:54 25 clients. I don't want any parties to shortchange their

1 clients or themselves, the lawyers. But, for instance, the
2 affidavits of the Calderaros -- I think that was their name,
3 the married couple --

4 MR. RENZ: Yeah.

08:37:09 5 THE COURT: -- they were basically duplicative
6 and quite lengthy, which, of course, bogs me down in terms
7 of getting through the affidavits, which of course, I will
8 in due course. But at this stage, it was more to simply
9 familiarize myself with the underlying circumstances and the
08:37:29 10 factual allegations. So if you could, please, keep your
11 editorial -- and this applies to everybody, okay.

12 I don't think plaintiffs' counsel has been in front of
13 me before. Maybe you have and I just don't recall. But in
14 terms of our local rules, I'm not a stopwatch or time clock
08:37:53 15 judge. I do not impose seek leave to exceed the 20-page
16 limitation for briefs. Quite candidly, for going on
17 40 years, I say to lawyers, the longer it gets, the less
18 persuasive it can become. At some point, one gets bogged
19 down a bit. So just a general request to everybody that
08:38:17 20 I've been making pretty regularly to people.

21 Okay. So that being said, in terms of what sort of
22 time do you think you would need to submit a revised
23 complaint and motion for injunctive relief? You fill in the
24 blanks. It doesn't matter to me.

08:38:35 25 MR. RENZ: I would say by early next week at

1 the latest, Your Honor.

2 This is Tom Renz for the plaintiffs.

3 THE COURT: Well, why don't I give you until
4 October 1st, okay. Just, you know, take your time. That's
08:38:50 5 fine.

6 And then, of course, the other thing would be -- so,
7 basically, leave granted sua sponte to plaintiffs to submit
8 revised complaint and revised motion for injunctive relief,
9 to submit on or before let's say October 1st. If you get it
08:39:18 10 in any sooner, that's fine.

11 And then, Mr. Little, in terms of time for a
12 responsive pleading, again, how much time do you want either
13 to answer or file a Rule 12 motion?

14 MR. LITTLE: Would 14 days be acceptable to
08:39:38 15 the Court?

16 THE COURT: It is more acceptable. Again, my
17 standard timetable is a party has a month to file a motion;
18 the opposing party has a month to oppose; and the movant has
19 two weeks; and then if there is a sur-reply -- if there is a
08:39:58 20 sur-reply, two weeks. That's sort of my standard timetable.
21 Again, you can file it -- I can tell you to file it in two
22 weeks or October 1st if you want. Of course -- well, it
23 can't be by October 1st because obviously that's the
24 deadline for the revision to the pleadings.

08:40:19 25 Again, I mean, that's just by default. If you want me

1 to give you shorter timetables, I mean, there's a lot to go
2 through, of course, again, it is up to you. It is your case
3 and your client. It doesn't matter to me, one way or the
4 other.

08:40:34 5 MR. LITTLE: Thank you, Your Honor. This is
6 Marion Little.

7 If you would, please, set us at 30 days, and if we
8 have the opportunity to file it earlier than that.

9 THE COURT: Good. Okay. So defendants'
08:40:47 10 responsive pleadings due on or before -- within one month
11 following filing of the revised complaint and motion for
12 injunctive relief; and then you will have, Mr. Renz, the
13 parties will have a month after that to file your
14 opposition; and then two weeks for Mr. Little's reply.

08:41:12 15 And if, despite of your best efforts, you get bogged
16 down, talk to each other. And if there's any other
17 deadline -- you want to reach an agreement as to, you know,
18 shortening or extending the deadline, that's fine with me.

19 The next thing is on the Rule 26 process. I'm going
08:41:41 20 to designate the case complex, given the number of claims
21 and contentions. In any event, that's simply a "check the
22 box" for the clerks.

23 Even if it were a, quote, "expedited" case, I would
24 tell counsel that the limits on discovery in our local rule,
08:42:04 25 that basically my approach is that, you know, in order for

1 it to be reasonable -- I'm sure the plaintiffs don't have
2 the wherewithal to do massive amounts of unnecessary
3 discovery, and, of course, Mr. Little is working off the
4 taxpayer dollar, so I assume that the Attorney General would
08:42:25 5 do it likewise; so take the discovery that you think you
6 need. Again, my rule is somewhat unorthodox; namely, I know
7 that all of you will be perfectly reasonable, but if the
8 other guy gets out of hand, let me know, and I will take
9 care of it.

08:42:41 10 And another FYI, I do enforce Local Rule 37, which I
11 actually wrote when I became a District Judge back in 1994
12 because of the practice that I developed during 15 years as
13 Magistrate Judge; I handle all discovery disputes myself. I
14 do not refer them to a Magistrate Judge. I consider it to
08:43:07 15 be the most important thing I do in managing my civil
16 docket. And, basically, the rule prohibits filing any
17 motion related to discovery, unless you really try to work
18 it out in good faith and have reached a point where you've
19 got some problems and issues. Simply send a short email to
08:43:27 20 my office, or attach a very short statement of what
21 generally the disputes are, you know, problems with some of
22 the interrogatories relating to whatever problems or request
23 for admissions relating to whatever, whatever the issue is,
24 give me a heads up. After that notification comes in, my
08:43:53 25 office will get you on the phone quite promptly. I can

1 usually get back to you and undertake to respond and resolve
2 the problem the same day, if that's acceptable to the
3 parties. But invariably, within 24 hours, I will be on the
4 phone to address whatever the discovery disputes are; hear
08:44:18 5 you out; make my decision on the record; an order follows;
6 case moves on down the road. As I said, it is a very
7 important part of our local rules, so I do expect counsel to
8 follow.

9 Now, with regard to Rule 26 disclosures -- and also I
08:44:42 10 would like you to get together and prepare, this is in lieu
11 of a case management conference, basically what one normally
12 prepares for a case management conference; namely, a report,
13 the parties planning meeting. I would like you folks to,
14 you know, perhaps in two weeks, I mean, not immediately, not
08:45:05 15 this afternoon or next week, but perhaps after the revised
16 motion and complaint come in, maybe sit down and try to
17 figure out what you need to do with reference to whatever
18 has been filed and just simply file that document. What I'm
19 going to probably do is set a further status and scheduling
08:45:35 20 conference before I end this conference; and then I will
21 want that document filed, along with a status report, ten
22 days before that conference.

23 With regard to status reports, basically they can be
24 separate or joint, it doesn't matter to me. Basically tell
08:45:51 25 me where you are in the case; what you need to do; and what

1 you want me to do with regard to any of that. Again, please
2 don't send me, you know, a 12-page single-spaced document.
3 Just let me know the essence of what you folks need. I will
4 review it before the conference, and we'll go about the
08:46:21 5 business of addressing whatever it is you need, and, most
6 particularly, what you want me to do.

7 So, you know, that's pretty much what I have in mind,
8 my little to-do list.

9 Let me start with plaintiffs. I realize I set this
08:46:47 10 conference quite promptly, but obviously it's an important
11 case, and I wanted to get underway with you sooner rather
12 than later, and so that's why so quickly, after the
13 complaint/motion came in, I got you on the phone.

14 So all of that being said, let me start with
08:47:15 15 plaintiffs' counsel. Other things that came to mind that
16 you might want me to cover in this morning?

17 And, excuse me, Mr. Little, remind me to give you a
18 timetable for responding to the motion, and if you want a
19 separate timetable to respond to the revised complaint, we
08:47:40 20 can talk about that in a minute, or the standard same
21 timetable.

22 So, Mr. Gargas and Mr. Renz, anything else come to
23 mind at all?

24 MR. RENZ: Your Honor, I did have, if it
08:47:59 25 pleases the Court, one question. With regard to the revised

1 complaint and the separated motion for preliminary
2 injunction, were you referring primarily to the motion for
3 preliminary injunction? Because we're asking for permanent
4 injunctive relief within the complaint as well, so you're
08:48:17 5 talking about separating.

6 THE COURT: Normally what I do is bifurcate
7 the two between, the preliminary injunction and then the
8 permanent injunction. Again, it would seem to me at this
9 stage, it would make better sense just to file a motion for,
08:48:35 10 you know, injunctive relief and go from there. I assume
11 that you will want to take discovery before --

12 MR. RENZ: Yes, Your Honor.

13 THE COURT: -- before it becomes decisional.
14 And, likewise, I assume that the Attorney General will want
08:48:51 15 to do likewise. That's one of the things I would like you
16 guys to sort of figure out a timetable, you know, figure out
17 what sort of discovery you want, whether it's paper
18 discovery, depositions or whatever, and likewise Mr. Little
19 for the defendants. Talk to each other and figure out the
08:49:16 20 timetable that you think would be sufficient for you to do
21 that. I don't know whether you are going to have expert
22 discovery or not, retain experts and so forth.

23 I mean, given the multitude of complaints, contentions
24 and allegations, I just infer from that that there's a
08:49:42 25 fairly extensive amount of discovery at this point that you

1 at least have in mind or envisioned. And, you know, so that
2 this can proceed in some sort of orderly fashion, I would
3 like the sole purpose of the parties planning meeting, you
4 figure out the deadlines within which you can work. I will
08:50:02 5 review those and discuss those with you. If they seem too
6 ambitious, I will say so. If they seem too lax, I will say
7 so, although I rarely do that.

8 Again, I really -- so, yeah, I mean, I think however
9 you want to style it, that's fine with me. That's a
08:50:29 10 technicality. It is really more the substance of the relief
11 and the legal basis for it, case citations and so forth, you
12 know, a motion with the supporting memorandum I think would
13 be appropriate.

14 Again, it is your case and you can, you know, include
08:50:51 15 whatever you want, frame it however you want. But that part
16 of what I'm accustomed to getting and very often in cases
17 involving motions for injunctive relief: You've got the
18 complaint; you've got the motion; and you've got a
19 memorandum or briefs in support of the relief that you are
08:51:15 20 seeking.

21 And so does that answer your question?

22 MR. RENZ: Yes, Your Honor. Thank you so
23 much.

24 THE COURT: Oh, of course.

08:51:28 25 MR. GARGASZ: Your Honor, Attorney Bob Gargasz

1 on behalf of the plaintiffs. If we take a deposition of
2 someone subsequent to the filing of the affidavit in support
3 of the motion for preliminary injunction, how would you have
4 us handle that, just to incorporate it subsequently within
08:51:48 5 the filing? Particularly, I'm thinking something like Dr.
6 Scott Atlas, you know, he may be hard to get ahold of and
7 schedule the deposition within the next 30 days.

8 THE COURT: Well, no, I don't expect that.

9 What I want you to do -- all I want you to do is
08:52:08 10 figure out your timetable, when you hope to get things done.

11 MR. GARGASZ: I see.

12 THE COURT: No, no. I do not expect you
13 within 30 days to have a, as it were, a line up of all the
14 deponents or, you know -- absolutely not. All I'm saying is
08:52:31 15 try to figure out between the two of you what each of you
16 wants to do between the two parties, Mr. Little and you and
17 Mr. Renz. Okay. Think to yourselves: We want to find out
18 this from there in terms of written discovery, and we want
19 to depose these individuals, and this is going to take, to
08:53:02 20 accomplish all of that --

21 There's some kind of humming in the background. If
22 someone can mute themselves, please, that would be great. I
23 don't think it's my phone. Are you there?

24 MR. LITTLE: I'm here, Your Honor.

08:53:19 25 THE COURT: Who's the "I'm here"?

1 MR. LITTLE: Marion Little.

2 THE COURT: Okay, Mr. Little. I don't know
3 what's happened.

4 Mr. Gargasz, Mr. Renz? Elizabeth, can you --

08:53:36 5 MR. RENZ: I took myself off of mute,
6 Your Honor. I'm not sure where that's coming from.

7 THE COURT: Oh, okay. I don't know what that
8 is.

9 JUDICIAL ASSISTANT: Stacey, can you hear us?
08:53:51 10 Someone is on the line, Judge. There are multiple people on
11 this line.

12 THE COURT: People, this is for the lawyers
13 only. This is not a public conversation.

14 JUDICIAL ASSISTANT: Judge, I think we need to
08:54:05 15 just come up with the final dates and schedule -- come up
16 with our status conference.

17 THE COURT: Okay. Elizabeth, if you will
18 simply replace the call to the attorneys and myself.
19 Thanks.

08:54:23 20 JUDICIAL ASSISTANT: Everyone, please redial
21 into the call and into the line. Thank you.

22 (Pause in the proceedings)

23 JUDICIAL ASSISTANT: Good morning, again. It
24 is Elizabeth from Judge Carr's chambers. Is Mr. Renz on the
08:56:01 25 line?

1 MR. RENZ: Yes, ma'am.

2 THE COURT: And co-counsel, plaintiffs'
3 co-counsel?

4 MR. GARGASZ: Yes, ma'am. Attorney Bob
08:56:10 5 Gargasz.

6 JUDICIAL ASSISTANT: Okay. And, Mr. Little,
7 are you on the line?

8 MR. LITTLE: I am. Thank you.

9 JUDICIAL ASSISTANT: Okay. Everyone, just a
08:56:17 10 moment, please. Okay. Everyone, Judge Carr is back on the
11 line. And, Stacey, I just want to make sure you're on the
12 line as well.

13 THE COURT REPORTER: Hi, Elizabeth.

14 THE COURT: Okay. Folks, you still there? I
08:56:43 15 don't know what that was. My assistant just suggested that
16 perhaps somebody may have been recording that. I hope not.
17 I have a court reporter, a transcript will be available.
18 Stacey will give you her phone number, and anybody is
19 welcome to share the transcript, if they wish. But quite
08:57:05 20 candidly, I would be very offended if --

21 (Phone interruption)

22 THE COURT: -- and if you are calling in for
23 the 9:00 o'clock, Elizabeth, will you please let them we'll
24 be about probably ten more minutes.

08:57:13 25 (Discussion held off the record)

1 THE COURT: But anyway, quite candidly, if
2 this session were being recorded, that is not permitted. It
3 is a violation of our court rules to engage in any kind of
4 audio or video recording of any court proceeding. And so if
08:57:42 5 that was going on, and I'm not pointing any fingers, but if
6 it was, I expect counsel will see to it that it's not
7 happening in the future, or that can lead to serious
8 consequences. I cannot be more plain about that. The
9 Judicial Conference of the United States absolutely
08:58:02 10 prohibits recording of court proceeding.

11 MR. RENZ: Your Honor, I will absolutely give
12 you my word that we are not recording anything in my office.

13 Plaintiffs' attorney, Tom Renz.

14 MR. GARGASZ: Likewise in my office, Judge.
08:58:15 15 Attorney Bob Gargasz for the plaintiffs.

16 MR. LITTLE: Marion Little (inaudible).

17 THE COURT: I don't know who might have been,
18 but at least that was a concern that my staff raised in the
19 interim that that may have been going on. And as I say,
08:58:29 20 that would be a serious breach of an absolute fiat. I wish
21 court proceedings could be recorded. I wish we could have
22 cameras in our courtroom. But if I tried it, the Chief
23 Justice -- this has happened to other District Judges -- the
24 Chief Justice has basically notified them that they are not
08:58:51 25 to do that. That is a violation of judicial conference

1 policy. It's not set by me, but I disagree with it, but it
2 is not permissible, and I just want to let folks know it.

3 Anyway, back to all of this, the matters at hand, the
4 matters that matter most. I've designated the case complex.

08:59:18 5 Rule 26 disclosures, when do you think you can --
6 again, by October 1st? That is a standard timeframe for
7 parties. If you think you need more time than that, that's
8 fine. I would rather take the time at the outset to get
9 things put together in an orderly fashion rather than try
08:59:40 10 to, you know, bang the drum too vigorously and find it all
11 over the place, as we're trying to get from point A to point
12 B, C or D more quickly than makes sense.

13 So why don't I just do this --

14 (Phone interruption)

08:59:53 15 (Discussion held off the record)

16 THE COURT: Anyway, the order will be:

17 Initial status scheduling conference held in lieu of
18 case management conference. It's hereby ordered that:

19 Number one, case designated complex.

09:00:27 20 Number two, the parties to meet and confer and submit
21 a report, the plaintiff parties planning meeting -- or just
22 call it the proposed schedule. The parties to meet, confer,
23 and submit proposed schedule by, again, let's say
24 October 1st. Okay?

09:00:48 25 Leave granted, number three.

1 MR. LITTLE: Your Honor, this is Marion
2 Little. May I interrupt for just a moment?

3 THE COURT: Go ahead.

4 MR. LITTLE: Could we suggest two weeks after
09:00:57 5 that? Because if the amended pleading is filed by
6 October 1st --

7 THE COURT: That's fine.

8 MR. LITTLE: Thank you.

9 THE COURT: Good suggestion.

09:01:07 10 Hereby on or before October 15th.

11 Leave granted to plaintiffs to file a revised
12 complaint and motion for injunctive relief.

13 Again, Mr. Gargas, if you can caption that, Mr. Renz,
14 however you want, that's fine with me.

09:01:30 15 And then response to the pleading -- excuse me --
16 defendants to plead or otherwise respond to revised
17 complaint within 30 days -- within one month after filing.

18 And then let's do this: If you file it October 1st,
19 November -- oh, how about maybe perhaps the Monday of
09:02:12 20 Thanksgiving week? If you would be available then, let's a
21 have a further status and scheduling conference.

22 JUDICIAL ASSISTANT: Judge.

23 THE COURT: Excuse me one second. Mr. Little,
24 I think, unless the plaintiffs object, I would suggest that
09:02:30 25 perhaps at the -- you hold off filing an opposition to the

1 motion for preliminary injunction until we've had that
2 status conference and we get some sort of idea of the lay of
3 the land in terms of what each of you has in mind in terms
4 of going forward.

09:02:51 5 Let me ask Mr. Gargasz and Mr. Renz. Is that okay
6 with you?

7 MR. RENZ: The only request we have,
8 Your Honor, is we do want to ensure that this doesn't get
9 drug on too long, and that's because, you know, our
09:03:04 10 plaintiffs' position is, and we believe, that a lot of
11 rights are being violated. And so we understand the
12 complexity, and we are certainly grateful for the time to do
13 discovery, because there will be a lot, it will be complex,
14 and it is a very difficult case. At the same time, we want
09:03:23 15 to balance that with the need to get people back to normal,
16 if you will, so. . .

17 THE COURT: I understand, okay. It's been six
18 months since I've hugged our two -- three granddaughters who
19 live nearby, okay. I understand that. Believe me, I
09:03:47 20 understand that. Someday, when you folks are grandparents,
21 you will realize by the time, in my experience with other
22 grandchildren, by the time they hit ten, grandpa is just
23 part of the furniture; he's not a playmate anymore, and this
24 is a very precious age for me, for all of us, okay.

09:04:06 25 MR. GARGASZ: Judge, this is Bob Gargasz. I

1 have the same problem. My kid is in Rhode Island and I
2 can't go to see them, and I got two grandsons up there,
3 brand new, three months and going to be two years on
4 election day.

09:04:20 5 THE COURT: I understand that. I mean, so
6 anyway, on the other hand, Mr. Renz, the problem is there is
7 inbuilt tension. The more that the parties think they need
8 to do to get to the point before the issue can be joined on
9 the injunctive relief, the longer it is going to take. And
09:04:38 10 that is why I want you guys to get together, and I will have
11 you file that proposed schedule and the status report or
12 reports not later than ten days before the date of the next
13 conference. Okay?

14 MR. RENZ: Thank you, Your Honor.

09:04:54 15 THE COURT: Of course. Absolutely.

16 One reason why I'm not waiting as I normally would, a
17 month or two, to have this conference is because I read the
18 complaint, I read a fair portion of the affidavits, and I
19 understand the need to be expeditious in judicial response.
09:05:18 20 And so that's what -- this conference is Exhibit A in terms
21 of my understanding of the need to tend to this, and I
22 intend to do it to the best of my ability.

23 Okay. So, as I say, I will confer with my law clerk
24 shortly when I'm done dictating this, but basically just to
09:05:45 25 summarize: Revised complaint and motion for injunctive

1 relief to be filed not later than October -- did I say
2 October 1st?

3 JUDICIAL ASSISTANT: October 15th.

4 THE COURT: Yeah, October 15th. And then, as
09:06:08 5 I say, I want you folks to get together, and let's have
6 that -- I think we have that next conference a little
7 earlier in November, maybe the first Monday in November.
8 Let's say the second Monday in November, Elizabeth.

9 JUDICIAL ASSISTANT: Actually, we can do it on
09:06:29 10 Tuesday, November 10th, at 9:00 a.m.

11 THE COURT: Yeah. And then I will want the
12 parties to submit a proposed schedule or schedules. If you
13 can get a joint one, that's terrific. If not, that's fine.
14 I will sort it out at that conference. Also, status report
09:06:49 15 on or before November 1st, okay, or ten days beforehand.

16 Okay. All that being said, Mr. Gargasz, anything
17 further?

18 MR. GARGASZ: No, Your Honor.

19 THE COURT: Mr. Renz, anything further?

09:07:02 20 MR. RENZ: Just appreciate your time,
21 Your Honor.

22 THE COURT: Well, Mr. Renz, every time a
23 lawyer says that, I do it often, I'm the one guy in the room
24 that is getting paid no matter what they do, okay. That's
09:07:16 25 my job, okay. Mr. Little -- excuse me -- Mr. Renz, anything

1 further? I guess not. Okay.

2 MR. RENZ: No. Thank you, Your Honor.

3 MR. LITTLE: Just a couple items, Your Honor.

4 First, I think it is implicit in the Court's comments, but

09:07:33 5 there is no necessity for us to respond to the current

6 complaint, given that --

7 THE COURT: Oh, that's right, yeah, yeah.

8 MR. LITTLE: (Inaudible.)

9 THE COURT: Absolutely. And leave granted to

09:07:44 10 defendants to respond to revised complaint within 30 days

11 after its filing. Okay?

12 MR. LITTLE: Certainly. And then separately,

13 Your Honor, just from a scheduling standpoint --

14 THE COURT: Yeah.

09:08:00 15 MR. LITTLE: -- is it the Court's expectation

16 that there will be a preliminary injunction hearing in which

17 evidence will be offered? Or are you anticipating this

18 being resolved on the papers?

19 THE COURT: I don't know, okay. That's what I

09:08:16 20 hope to begin to find out on November 10th. I mean, it's

21 simply way too early. I mean, you guys have to talk first

22 to figure out what you need to do, and then whether there

23 are going to be squabbles about that, you know, once -- and,

24 quite candidly, obliterate some of the fog and see what the

09:08:36 25 territory looks like, where the paths may lead, and how

1 rocky or smooth they might be. So that's the whole purpose
2 of the next conference, is to try to start figuring that
3 out. We begin with discovery and figure out how much time
4 is going to be needed to get that done; and then we talk
09:08:55 5 about either a hearing and briefing or whatever. Okay?

6 And then finally, Stacey, why don't you give them your
7 phone number and your name, Stacey Kiprotich. Go ahead,
8 Stacey.

9 THE COURT REPORTER: My phone number is:
09:09:04 10 (419) 213-5520.

11 THE COURT: And, Stacey, if they want a
12 transcript, how long do you think it will take them to get
13 it, a week or so?

14 THE COURT REPORTER: Yes. That's right,
09:09:22 15 Judge. It's about 25 pages.

16 THE COURT: Okay. Good enough, folks. Thank
17 you very much, and I will talk to you in November, and I
18 will await the incoming mail. Thanks, folks.

19 MR. LITTLE: Thank you, Your Honor.

09:09:44 20 MR. RENZ: Thank you, Your Honor.

21 MR. GARGASZ: Thank you, Judge.

22 (Proceedings concluded at 9:09 a.m.)

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C E R T I F I C A T E

24 I certify that the foregoing is a correct transcript
25 of the record of proceedings in the above-entitled matter
prepared from my stenotype notes.

/s/ Stacey L. Kiprotich 10/06/2020
STACEY L. KIPROTICH, RMR, CRR DATE